IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.136 of 2005.
in
FAMILY COURT APPEAL NO.64 OF 2005

Ashok Waghchaure ..Applicant.

Versus

Sandhya A. Waghchaure ..Respondent

Ms.Kokila Kalra for the applicant

Mr.A.P.Vanarse for the respondent

CORAM: S.B.MHASE &
S.R.SATHE, JJ.

DATE : 18th July, 2005

P.C.

1. Heard both sides.

2. This is an application to stay the impugned judgment and order dt 28.10.2003 passed in Hindu Marriage Petition No.A-369 of 2002, by the Family Court at Pune. By the impugned judgment and order the marriage between the husband and wife i.e. the present Appellant and Respondent has been dissolved under Section 13(1)(i-a) of the Hindu Marriage Act, 1955. It is further directed that the Appellant shall pay Rs.9000/- per month as permament alimony to the

Respondent wife and her two children from the date of order, and the custody of the children shall remain with the wife.

3. Since this appeal is pending, we are inclined to stay the decree of dissolution of marriage. However, we are not inclined to stay the decree of Rs.9000/- per month to be paid by way of permanent alimony to Respondent wife and to the two children of the Appellant and Respondent, and equally the directions in respect of the custody of the children, because the custody during the pendency of the application in the Trial Court was with the wife, and during the pendency of this appeal also the same shall remain with the wife, since the children are school going children and they require love and affection of the mother.

4. So far as the amount of permanent alimony of Rs.9000/- is concerned, at this stage we find it appropriate. The Appellant is a doctor in the Government Employment and therefore, for the maintenance of the wife and up-bringing of the children, this much amount will be necessary taking into consideration the standard of living of the parties and the present day market prices of the

household articles, and therefore, we are not inclined to stay the decree in that regard. Hence we pass the following order:

O R D E R

1. The Civil Application is partly allowed.

2. The decree is stayed to the extent of dissolution of marriage between the Appellant and the Respondent. However, so far as the order of maintenance and the custody of the children is concerned, we are not inclined to stay the same and we clarify that till the pendency of this appeal the order of maintenance and the custody of the children will continue as it is.

3. Civil Application stands disposed off.

(S.R.SATHE, J.) (S.B.MHASE,J.)